

**FILED**

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

MAR 27 2013

WILLIAM B. GUTHRIE  
Clerk, U.S. District Court  
By \_\_\_\_\_ Deputy Clerk

MICHAEL D. ABONEY,

Plaintiff,

v.

CLINTON HOLLAND,

Defendant.


No. CIV 10-460-RAW-SPS

**OPINION AND ORDER**  
**DENYING THIRD MOTION FOR APPOINTMENT OF COUNSEL**

Plaintiff has filed a third motion requesting the court to appoint counsel. He still bears the burden of convincing the court that his claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The court again has carefully reviewed the merits of plaintiff's claims, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering plaintiff's ability to present his claims and the complexity of the legal issues raised by the claims, the court finds that appointment of counsel still is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *see also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

**ACCORDINGLY**, plaintiff's motion [Docket No. 35] is **DENIED**.

**IT IS SO ORDERED** this 21<sup>st</sup> day of March 2013.

  
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**RONALD A. WHITE**  
**UNITED STATES DISTRICT JUDGE**